



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

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FEB 04 1991

REPLY TO ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J.L. Gary, General Manager
Chemical Waste Management
Trade Waste Incineration Division
7 Mobile Avenue
Sauget, Illinois 62201-1069

1631210009

Re: Off-Site Policy Determination
Trade Waste Incineration (CWM)
ILD 098 642 424
RCRA PERMIT FILE

Dear Mr. Gary:

On September 28, 1990, the United States Environmental Protection Agency ("U.S. EPA") sent a letter notifying Trade Waste Incineration (CWM) ("TWI") that they may have conditions that render it unacceptable for receipt of off-site (Superfund) waste. On December 7, 1990, U.S. EPA sent a letter to TWI that, among other matters, advised the facility that U.S. EPA had not received adequate documentation that would allow U.S. EPA to make a final determination of acceptability or unacceptability with respect to the violation related to permit violations at Incinerator # 4. On December 28, 1990, following oral notice to attorney Edward Kenney on December 24, 1990, a letter was sent from U.S. EPA stating that U.S. EPA had made a final determination of unacceptability concerning Incinerator #4 at the TWI facility. The December 28, 1990, letter also stated that U.S. EPA intended to make a decision regarding the violations related to the January 1990 air release at TWI, specifically violations of 40 CFR Parts 264.13 and 264.31, and that U.S. EPA had determined that it would be appropriate for TWI to resolve these violations by entering into a Consent Agreement or Consent Decree with the State of Illinois or with U.S. EPA. Because TWI had not been affirmatively apprised of the need for resolution of all legal proceedings through entry of a Consent Decree or Consent Agreement to resolve these violations, U.S. EPA granted TWI a thirty (30) day extension to resolve the matter.

U.S. EPA has been advised by the State of Illinois that the State will know shortly whether TWI and the State of Illinois will be finalizing a Consent Decree. Based upon this information, U.S. EPA has decided to grant TWI an additional extension of time

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before U.S. EPA makes a final determination of acceptability or unacceptability related to violations arising from the January 1990 air release. TWI will have a forty-five (45) day additional extension until March 15, 1991, to resolve the January 1990 air release violations through entry of a Consent Decree or Consent Agreement with the State of Illinois, or with U.S. EPA.

Please contact Mary McAuliffe, Assistant Regional Counsel, at (312) 886-6237 or Dan Bakk at (312) 886-3781 if you have any questions.

Sincerely,



David A. Ullrich
Director
Waste Management Division

cc: Christine Zeman
Illinois Attorney General's Office
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Springfield, Illinois 62706

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